

Remarks/Arguments

Claim Status: Prior to entry of the amendments presented herein, Claims 3-5, 7-9 and 25-26, directed to a composition of matter, were pending in the above-captioned application. This amendment, which the Examiner is respectfully requested to enter includes cancellation of Claims 3-5, 7-9 and 25 and addition of new Claims 28-45, which all directly or indirectly depend from independent Claim 26. No new matter is being introduced by any amendment herein.

New Claim 28 is supported, e.g., by Claim 3 as originally filed.

New Claim 29 is supported, e.g., by Claim 4 as originally filed.

New Claim 30 is supported, e.g., by Claim 5 as originally filed.

New Claim 31 is supported, e.g., by Claim 7 as originally filed.

New Claim 32 is supported, e.g., by Claim 8 as originally filed.

New Claim 33 is supported, e.g., by Claim 9 as originally filed.

New Claim 34 is supported, e.g., by Claims 2, 13 and 25 as originally filed.

New Claim 35 is supported, e.g., by Claims 2 and 12 as originally filed.

New Claim 36 is supported, e.g., by Claims 2 and 13 as originally filed.

New Claim 37 is supported, e.g., by Claims 2 and 13 as originally filed.

New Claim 38 is supported, e.g., by Claims 2 and 13 as originally filed.

New Claim 39 is supported, e.g., by Claims 2 and 13 as originally filed.

New Claim 40 is supported, e.g., by Claims 2, 13 and 25 as originally filed.

New Claim 41 is supported, e.g., by Claims 2, 13 and 25 as originally filed.

New Claim 42 is supported, e.g., by Claims 2, 13 and 25 as originally filed.

New Claim 43 is supported, e.g., by Claims 2, 13 and 25 as originally filed.

New Claim 44 is supported, e.g., by Claims 2, 13 and 25 as originally filed.

New Claim 45 is supported, e.g., by Claims 2, 13 and 25 as originally filed.

The Pending Office Action and Applicant's Response thereto: In the pending Office Action issued August 7, 2006, no claim was allowed, and the Office Action was made Final.

The Examiner stated that Claim 26 is withdrawn with respect to the non-elected species and is under examination to the extent of the elected peptide species, SEQ ID NO:136 and linker species poly(Gly-Ala), which pertain to

independent Claim 26 and new dependent Claims 28-45. However, the Examiner also stated in the earlier Office Action issued April 21, 2006 (at the bottom of page 2), in which election of species was required, that Claim 26 is currently generic and that upon allowance of a generic claim applicant(s) will be entitled to consideration of claims to additional species (at page 3).

The Examiner stated in the pending Office Action, issued August 7, 2006 (at page 7), that SEQ ID NO:136 is free of the prior art and that the examination has been extended to SEQ ID NO:7.

The Examiner also stated in the pending Office Action that the former grounds of rejection under 35 USC §112, 1st paragraph (under new matter and written description) and 2d paragraph were overcome and were consequently withdrawn.

The Examiner rejected Claim 25 under 35 USC §112, 2d paragraph, as allegedly being unclear as to the amino acid sequence being referred to as SEQ ID NOS:133-137. The Examiner suggested that Applicant positively recite that these amino acid sequences refer to the P variables and that the dependency of the claims be amended such that preceding claims (e.g., Claim 25) do not depend from subsequent Claim 26. Accordingly, Applicant has canceled Claims 3-5, 7-9 and 25, which directly or indirectly depended from subsequent Claim 26, and has introduced new Claims 28-45. New Claim 34 recites “. . . wherein P¹, P², P³, and P⁴ are each independently selected from SEQ ID NOS: 133 to 137,” as suggested by the Examiner. New Claims 35-45 recite “. . . wherein any of P¹, P², P³, and P⁴ is independently SEQ ID NO: ____”.

Claims 3-5, 7-9, 25 and 26 were rejected under 35 USC 103(a) over Whitty et al. (US Pat. Appl. 2002/015547) in view of Mu et al. (1999), Biochem. Biophys. Res. Comm. 255: 75-9 and Liu et al. (US 6,835,809). As to canceled Claims 3-5, 7-9, and 25 the rejection is moot.

As to independent Claim 26, the cited references do not, even in combination, suggest an Fc-YIGSR molecule with a structure resulting from the substituent selections for P and L, as particularly recited in independent Claim 26. Furthermore,


nothing in the cited references would lead one skilled in the art to any YIGSR repeat Fc molecule or any of the other molecules recited in Claim 26 (or in new Claims 28-45) in particular, i.e., where "P2, P3, and P4 are each independently selected from RGD and SEQ ID NOS: 7 and 128 to 137." The Examiner has acknowledged that SEQ ID NO:136 (e.g., Claims 26 and new Claim 44) is free of the prior art, and has failed to present a prima facie case of obviousness as to any of the peptide (P) sequences recited in Claim 26, or by extension in new dependent Claims 28-45. The Examiner further fails to point to any suggestion to combine the teachings of the three references, relying instead on a hindsight reconstruction using the application itself as a guide. Furthermore, the Examiner is asked to consider that, contrary to obviousness, neither the cited references nor the general knowledge in the art would have predicted the results disclosed in the above-captioned application as to a laminin-Fc fusion comprising a P of (YIGSR)₃ [SEQ ID NO:129] (e.g., Claim 26 and new Claim 37)—a greater than 50-fold enhancement in activity, from the low micromolar range (IC₁₀₀ of 2.9 μM) for the naked synthetic peptide to the low nanomolar range (IC₁₀₀ of 55 nM), when it was coupled to Fc (specification as originally filed, at page 57, lines 7 to 9).

For these reasons, the Applicants respectfully submit that there is no suggestion in the art to combine the teachings of Whitty et al., Mu et al. , and Liu et al. and that their teachings, even in combination, fail to encompass the claimed invention.

Conclusion: In light of the foregoing amendments and remarks, the Applicants respectfully request entry of all amendments, withdrawal of all rejections, and allowance of all claims. If in the opinion of the Examiner, a telephonic

discussion of the claims with Applicant would facilitate examination, the Examiner is respectfully invited to contact Applicant's attorney at (805) 447-6887. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 01-0519.

Respectfully submitted,



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